



DEPARTMENT OF THE NAVY
NAVY RECRUITING COMMAND
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COMNAVCRUITCOMINST 5370.1E
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22 Feb 2011

COMNAVCRUITCOM INSTRUCTION 5370.1E

From: Commander, Navy Recruiting Command

Subj: FRATERNIZATION

Ref: (a) Manual for Courts-Martial, 2008 Edition
(b) OPNAVINST 5370.2
(c) U. S. Navy Regulations 1990, Article 1165
(d) JAGMAN Chapter II
(e) SECNAVINST 5300.26
(f) OPNAVINST 5354.1
(g) COMNAVCRUITCOMINST 5354.2

Encl: (1) Fraternization Policy Acknowledgement

1. Purpose. To review information, policy and procedures regarding fraternization within Navy Recruiting Command.

2. Cancellation. COMNAVCRUITCOMINST 5370.1D. Revisions are identified by an "(R" in the right hand margin.

3. Applicability. This instruction applies to all Officers, Warrant Officers and Enlisted personnel assigned or attached to any Navy Recruiting Command activity. To the extent any other regulation issued by Commander, Navy Recruiting Command or its subordinate commands conflicts with this instruction, this instruction shall govern.

4. Background/Discussion. The Navy has historically relied upon custom and tradition to define the bounds of acceptable personal relationships among its members. Proper social interaction between officer and enlisted members has always been encouraged as it enhances unit morale and esprit de corps. At the same time, unduly familiar personal relationships between officers and enlisted members have traditionally been contrary to Naval custom because they undermine the respect for authority, which is essential to Navy's ability to accomplish its military mission. Similarly, an unduly familiar relationship between recruiters and prospects, applicants, or Future Sailors in the Delayed Entry Program (DEP) undermines the

mission of Navy Recruiting. Those personnel in a senior grade must maintain relationships with subordinates that ensure no actual or perceived favoritism, preferential treatment, personal gain, or involvement in actions that otherwise may reasonably be expected to undermine good order, discipline, authority, or high unit morale. In like manner, custom requires that junior personnel recognize and respect the authority inherent in a senior's grade, rank, or position. Fraternization is a gender-neutral concept. Its focus is on the detriment to good order and discipline resulting from the erosion of respect or authority inherent in an unduly familiar senior-subordinate relationship, not the gender of the members involved. The potential erosion of respect for the authority and leadership position of a senior in grade or rank can have an enormously negative effect on good order and discipline and seriously undermine a unit's effectiveness. Therefore, prohibition of fraternization serves a valid, mission essential purpose.

5. Navy Recruiting Command. Personal relationships between Officer and Enlisted personnel, Chief Petty Officers (E7 to E9) and junior personnel (E1 to E6), who are assigned within the same command, to wit: Navy Recruiting Command headquarters, Navy Recruiting Regions, Navy Recruiting Districts, Navy Recruiting Stations, or Navy Recruiting Command Orientation Unit (NAVCRUITCOM ORIENT UNIT) are considered unduly familiar, do not respect differences in grade or rank and are prohibited. Likewise, personal relationships that are unduly familiar between recruiting personnel, applicants, and Future Sailors are prohibited.

6. Punitive Effect. Commission of one or more of the prohibited practices by recruiting personnel constitutes a violation of Article 92, Uniform Code of Military Justice and references (a) through (c).

7. Clarification. Fraternization is a uniquely military disciplinary infraction and as such it should be investigated as a violation under the Uniform Code of Military Justice per reference (d). This instruction discusses only fraternization. Other forms of impermissible conduct, such as sexual harassment are addressed in references (e) through (g).

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8. Definitions. In order to create a command environment where fraternization does not exist, the following definitions are provided.

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a. Fraternization. Any personal relationship prejudicial to good order and discipline, or of a nature to bring discredit on the naval service. Certain prohibited activities, behavior, transactions which include personal relationships that do not respect the difference between grade or rank, and relationships between recruiting personnel and prospects, applicants or Future Sailors. Fraternization exists when:

(1) The relationship calls into question the senior member's objectivity.

(2) The relationship results in actual or apparent preferential treatment.

(3) The relationship undermines the authority of a senior member or compromises the chain of command.

(4) A personal relationship develops between staff or instructor members and student personnel.

(5) A personal relationship develops between recruiters that does not respect the difference between grade or rank.

(6) A personal relationship develops between recruiting personnel and prospects, applicants, or Delayed Entry Program (DEP) personnel.

(7) A personal relationship develops between recruiting personnel and family members of prospects, applicants, or Future Sailors.

b. Armed Forces. The active and reserve components of the U. S. Navy, Army, Air Force, Marine Corps, and Coast Guard.

c. Recruiting Personnel. Officers, warrant officers and enlisted personnel assigned or attached to any Navy recruiting Command activity.

d. Prospect

(1) Any person who has expressed, to recruiting personnel, an interest in enlisting or receiving an appointment in the U. S. Navy or U. S. Navy Reserve and who appears to possess, or who may in the future possess, the potential and qualifications for enlistment or appointment in the U. S. Navy or U. S. Navy Reserve.

(2) A prospect who expresses a loss of interest in enlistment or appointment shall continue to be a prospect under this instruction for a period of one year from the date they express this loss of interest to recruiting personnel.

(3) Individuals who may in the future possess the potential and qualifications for enlistment or appointment include, but are not limited to, individuals who do not meet minimum age requirements, who scored too low on the qualification testing but will be eligible to retest, or who have not completed their education.

(4) An individual who expresses an interest in enlisting or appointment but is permanently barred under existing regulations is not a prospect.

e. Applicant. Any person who has commenced processing for enlistment or appointment in any of the Armed Forces by beginning to complete a DD Form 1966.

f. Future Sailor. Any person who accesses into the DEP of any of the Armed Forces and has agreed to commence active duty or active duty for training at a later date.

g. Recruiting Environment. Any function, gathering or meeting, in a public or private place, that recruiting personnel attend in their official capacity.

9. Prohibited Activities. Recruiting personnel shall not:

a. Form, or attempt to form, a dating or private unofficial social relationship with anyone known to be a prospect, applicant, or Future Sailor. Mutual attendance at previously planned, command authorized DEP functions, or similar recruiting environment events is not prohibited.

b. Allow anyone known to be a prospect, applicant, or Future Sailor to remain in any recruiting office except for official business.

c. Allow anyone known to be a prospect, applicant, or Future Sailor ride in any government vehicle except for official purposes. Recruiting personnel shall not ride in the personal vehicle of anyone known to be a prospect, applicant, or Future Sailor.

d. Engage in consensual or nonconsensual physical contact

with anyone known to be a prospect, applicant or Future Sailor when the contact is not authorized in the performance of official duties, or required in an emergency to protect against injury, or in self-defense against an unprovoked attack. Authorized physical contact includes, but is not limited to, shaking hands or performing required body fat measurements on a member of the same sex. Prohibited physical contact includes, but is not limited to, caressing, massaging, hugging, kissing, fondling, and holding hands. Also see subparagraph 7.e. below.

e. Perform body fat measurements on any prospect, applicant, or Future Sailor of the opposite sex. If a prospect, applicant, or Future Sailor requires measurement and none of the recruiting personnel at the station are of the same gender as that individual, the measurement can be delayed until the individual goes to MEPS for processing. In the alternative, the measurements may be taken by the individual him or herself, a person of the same sex from another branch of service, or any other adult person of the same sex.

f. Harass any prospect, applicant, or Future Sailor. Harassment includes, but is not limited to:

(1) Any language or act which would, measured by an objective standard, constitute cruelty, oppression or maltreatment under Article 93, Uniform Code of Military Justice, if the victim were subject to the orders of the harasser.

(2) Abusive language which, when taking due consideration of the individual sensitivities of the victim, tends to degrade a prospect, applicant, or Future Sailor, whether directed at or used in the presence of such person.

g. Use anyone known to be a prospect, applicant, or Future Sailor to provide any benefit, financial or otherwise, for themselves or others.

h. Allow or invite any prospect, applicant, or Future Sailor to enter into, operate, or be transported in the recruiting personnel's private vehicle unless authorized in advance by a POV use authority for official purposes, or as a matter of Standard Operating Procedure (e.g., attendance at a DEP function).

i. Gamble with any prospect, applicant or Future Sailor, including playing any game of skill with money or other things of value at stake.

j. Solicit or accept, directly or indirectly, anything of value from any source in return for granting favors, privileges or other preferential treatment to any prospect, applicant, or Future Sailor.

k. Solicit or accept, directly or indirectly, anything of value from anyone known to be a prospect, applicant, or Future Sailor.

l. Borrow money or any articles of value from, or lend the same to, anyone known to be a prospect, applicant, or Future Sailor.

m. Offer to engage in, or engage in, any unofficial financial or business dealings with anyone known to be a prospect, applicant, or Future Sailor.

n. Photograph or accept any pictures of anyone known to be a prospect, applicant, or Future Sailor other than those required for official purposes.

o. Spend the night with, or allow anyone known to be a prospect, applicant, or Future Sailor to spend the night, in the same home, apartment, or hotel room without prior command approval.

p. Process for enlistment or appointment any person with whom they developed a social relationship prior to that person becoming a prospect, applicant, or Future Sailor, or prior to learning that person was a prospect, applicant, or Future Sailor. Recruiting personnel will refer such person to another recruiter and disclose the nature of the relationship to the commanding officer via the chain of command.

q. Enter any portion of an establishment known to be a MEPS lodging and/or meal facility, except that recruiting personnel may enter the main lobby of such a facility when their official duties make it necessary to assist in the proper check-in and check-out of an applicant and/or Future Sailor. Recruiting personnel may not enter any other part of such facility and will depart the facility upon completion of the check-in or check-out process.

10. Action

a. Commander, Navy Recruiting Command will not tolerate fraternization, especially fraternization involving prospects, applicants, and Future Sailors. Recruiters are the face of the United States military, and such misconduct significantly erodes the public's trust and confidence in America's Navy.

b. NAVCRUITDIST Commanding Officers must immediately report all credible allegations of recruiter fraternization with a prospect, applicant, and/or Future Sailor to NAVCRUITCOM OJ via email. Commanding Officers shall properly investigate all credible allegations of recruiter fraternization. (R)

c. Commanding Officers are expected to hold recruiters accountable for substantiated fraternization on a case-by-case basis as the Commanding Officer deems legally appropriate. Nevertheless, Commanding Officers are required to initiate administrative separation processing where substantiated allegations of recruiter fraternization with a prospect, applicant, and/or Future Sailor involve the following circumstances: intimate physical contact, dating, sexual assault, sexual harassment, and other similar cases of sexual misconduct. Administrative separation processing for all other instances of fraternization shall be at the discretion of the Commanding Officer.

d. All recruiting personnel shall:

(1) Immediately report known violations of this instruction to the appropriate level within the chain of command.

(2) Expeditiously address and resolve alleged violations of the prohibited practices of this instruction.

e. NAVCRUITCOM ORIENT UNIT Officer in Charge shall ensure thorough instruction on the contents of this policy during the initial orientation for personnel assigned to recruiting duty. Additionally, prior to completing orientation, all recruiting personnel shall be required to execute a NAVPERS 1070/613 Administrative Remarks (enclosure (1)) documenting the fact that they have received training on this fraternization instruction and understand its mandates.

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f. The Director of Quality Assurance and Training (N7) shall develop inspection procedures to evaluate compliance with this instruction.

11. Responsibilities. Commanding Officers vested with non-judicial punishment authority shall:

a. Ensure that appropriate disciplinary or administrative action is expeditiously accomplished in accordance with existing regulations and the Uniform Code of Military Justice.

b. Ensure that NAVCRUITCOM OOJ is notified of final disposition with disciplinary or administrative action taken.

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c. Ensure entire investigation package is forwarded to NAVCRUITCOM OOJ upon completion of final action (see reference (d)).

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d. Ensure the Command Assessment Team (CAT) conducts an annual assessment that includes fraternization (per reference (f)).

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e. Ensure all personnel attend the Navy Pride and Professionalism workshop upon reporting to the command;

f. Ensure that all personnel receive annual fraternization GMT.

/s/

C. S. FALLER

Distribution:

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Fraternization Policy Acknowledgement

_____: 1. I hereby acknowledge that I have read and understand Commander, Navy Recruiting Command's Fraternalization Policy as promulgated in COMNAVCRUITCOMINST 5370. I further understand that:

a. Fraternalization will not be tolerated, especially fraternalization involving prospects, applicants and/or Future Sailors.

b. Recruiters are the face of the United States military, and such misconduct significantly erodes the public's trust and confidence in America's Navy.

c. All credible allegations of recruiter fraternalization will be promptly investigated.

d. Substantiated allegations of fraternalization with prospects, applicants and/or Future Sailors **will** result in processing for administrative separation if fraternalization involves the following circumstances: intimate physical contact, dating, sexual assault, sexual harassment, and other similar cases of sexual misconduct. Processing for administrative separation in all other cases will be at the discretion of the Commanding Officer.

2. All recruiting personnel shall immediately report known violations of this policy within the chain of command and expeditiously address and resolve alleged violations of prohibited practices by this policy.

MEMBER'S SIGNATURE

Witnessed: _____

This page 13 acknowledgement, in PDF Fillable format is located at:
http://www.cnrc.navy.mil/Publications/PDF%20FORMS/NAVPERS_1070_613.pdf.